

The Carlsbad Current

TWENTY-NINTH YEAR.

CARLSBAD, NEW MEXICO, FRIDAY, OCT. 21, 1921.

NUMBER 46.

JURY BRINGS IN VERDICT OF GUILTY IN WILL MURRAH CASE

The trial of Will Murrah for poisoning his brother ended Monday afternoon about six o'clock and the case went to the jury. After deliberating that night the jury sent word to the judge they could not agree on a verdict. Judge Brice sent them back to the jury room with instructions to try and reach some kind of a verdict and a few hours afterward they came into court with a verdict of guilty.

When this verdict was rendered those in the court room were tense with excitement as they realized what the consequence might be of such a verdict, but Murrah was apparently the coolest one in the court room, taking the verdict with outward unconcern. Some of the court officials turned white "around the gills".

The evidence, a part of which was published in last week's Current and which is finished this week, was all circumstantial and showed that Will Murrah placed government strychnine in a pail of water at the John Murrah ranch house, that John came in after a hard morning's ride on the range and drank this poison; that he rode to a neighboring ranchman's house and there died in a few minutes. The state proved that thirteen different threats had been made by Will Murrah to different ones against the life of his brother and that they were having trouble over the Segrist water hole. Will claiming all of the property and John claiming half of it. Horse tracks were an important part of the state's evidence which were made by a horse Will Murrah was in the habit of riding and which had on only three shoes and led from John's ranch house.

The verdict will probably carry with it the sentence of death, but it is expected the case will be appealed to the supreme court at once. Judge Brice will pronounce sentence this afternoon at two o'clock.

The remainder of evidence is as follows:

Friday Afternoon.

Court convened at 1 P. M. Witness Lewis Lindsey was put through a rigid cross examination.

Harney Hopkins, who lived in the vicinity of the Segrist water hole was called and said that Will Murrah in a conversation said that if John Murrah did not move from the Segrist water hole that he would kill him.

E. H. Burdett, witness, said his ranch is about seven miles from the Segrist water hole. That he was at Will Murrah's on May 9th and went to Shafer's place that afternoon, and that he heard Will say that it would be laid on him by the old lady.

He said that on the way to or from Arista, he said to Will Murrah that whoever poisoned John, that hanging would be too good for him. To which Will replied: "It was bad."

Attorney J. W. Armstrong testified on a stand to a legal transaction.

A. W. Doyle, justice of the peace, was called. He said he held the inquest. His testimony in reference to the buckets of water was about the same as other accounts, which were given in last week's Current.

A. J. Taylor was questioned by the assistant district attorney and told about the same in regard to the horse tracks as had been related by witnesses who preceded him.

Court took recess for ten minutes but the recess lasted much longer.

Saturday Morning.

Saturday morning court convened at 9 o'clock. At this stage of the trial several witnesses were called but we understand that a mass of testimony given was later ruled out as being irrelevant and foreign to the case being tried. The jury retired several times and there was much discussion and contention by the attorneys on both sides of the case in reference to the legality of procedure and the admissibility of certain character of evidence.

At this stage of the trial the progress being made did not suggest any "breaking of the speed limit". Nor did it remind one of an express train nor even of an automobile on a road road. However, this is no suggestion of inefficiency or lack of qualification on the part of the presiding judge nor of others for Judge Brice is eminently qualified for his high and important position and conducts the court in a fair and impartial way and with due regard to expediting business.

However, in almost all cases and especially in cases where the evidence is circumstantial and involving so many witnesses, there are complications and questions requiring difficult discriminations as to the admissibility and legality of testimony. So that a slow pace is unavoidable.

Promptly at two o'clock this afternoon Judge Brice imposed sentences on Ivan Hartshorn and Roy Hepler and Will Murrah.

Hartshorn and Hepler were sentenced first and the court said he believed there was no question as to the theft of the animal as charged and as found by the jury. A sentence of one year and one day in the state penitentiary or not more than three years was pronounced, but suspended pending good behavior on condition that defendants pay all costs in the case.

The court then had Will Murrah stand while he pronounced the following:

Sentence of the Court.

The prisoner at the bar having announced he had nothing to say why the judgment and sentence of the court should not be imposed upon him, the Court gave the following sentence:

"In this case, you were indicted by a grand jury of this county, charging you with the crime of having murdered your brother by poison. I have endeavored to give you a fair and impartial trial, wherever there was any reasonable doubt as to the law and the introduction of testimony, I have resolved that in your favor and I feel from examination of the motion made by your counsel, for new trial, that there is no error in this record.

"It was the province of the jury to determine your guilt or innocence and as to the instructions as to the law given by the court, the court is of the opinion that the instructions fairly presented your case to the jury, and under the instructions of the court as to the law and upon the testimony given, the jury has found you guilty as charged in the indictment. The jury at the same time recommended you to the clemency of the court. They were not instructed that they were authorized to do this, and under the law, are not authorized to ask clemency in a case where first degree murder is involved, but I take it that it was the desire of the jury, in asking clemency, that this matter should be submitted to the Governor of the State of New Mexico and that the Governor of the state should be advised of their feelings with reference to the matter, and I assume, from their recommendation, it would be their desire that your sentence be commuted to imprisonment during your natural life. The request of the jury will be complied with, insofar as I am concerned, and in keeping faith with the jury, I will present this matter to the Governor of the State, as I believe they desired it should be presented. The effect of the verdict of jury in New Mexico is only one thing, and that is, the imposition of the death penalty, and it becomes my duty at this time to impose it.

"It is the order, judgment and sentence of the Court that you be remanded to the custody of the sheriff of Eddy county, until Friday, the 18th day of November, A. D., 1921, in the forenoon of said day and at said time, and in an inclosure to be erected by the sheriff for said purpose within the body of said county, you be, by the said sheriff of Eddy county, hanged by the neck until you are dead, and may God have mercy on your soul."

Judge Lamb, attorney for Murrah entered a motion for a new trial, but the court overruled the same. After sentence was imposed, Judge Lamb entered an appeal of the case to the Supreme court of New Mexico which appeal was granted by Judge Brice.

Saturday Afternoon.

A number of witnesses were called Saturday afternoon, but the testimony was mostly repetition of what has already been given.

Monday Morning.

Court met at nine o'clock. After Judge Brice had given his charge to the jury, Robert C. Dow, who was assisting the state, addressed the jury. He reviewed the evidence and dwelt on the conduct of the defendant before the homicide and on his conduct after the murder as circumstances pointing to his guilt. He emphasized the importance of the evidence in regard to the horse tracks as another link in the chain of evidence damaging to the defendant. He explained that to have a "reasonable doubt" means after all the evidence is considered, there must be a doubt which is reasonable and that it does not mean a doubt in regard to the truth of any one or more alleged facts in the evidence. The only question upon which a reasonable doubt debars a verdict is "Is the defendant guilty?"

After Mr. Dow's speech the court took a recess after which Dillard H.

Wyatt, the district attorney, addressed the jury. He said he believed the jury would conscientiously do their duty in behalf of the state of New Mexico. He reviewed the evidence especially that part of it in reference to the government poison and the difficulties and threats. By these he said the motive, the intention and the means were known. He gave a summary of the evidence and his address was delivered in an earnest and unassuming manner and in such a systematic form as to show that he had a thorough knowledge of the evidence. He said that considering Mrs. Murrah's testimony that while no importance was to be attached to it in behalf of the defendant, that when her interests in her husband was considered no blame should be attached to her as she would naturally do as other wives would do—all they could in the interest of a husband.

Court took recess until in the afternoon.

Monday Afternoon. Judge Lamb, representing the defense, addressed the jury. He commenced his plea in an emotional manner. He stated that in this case there could be no other verdict than one of two things, viz: either hanging or turn him loose. He eulogized the Judge for his fairness in this trial. He also said the jury was composed of men honorable and fair, and said that there had been a fair trial of the case. He admitted that the defendant had made threats but said others had also made threats and contended that the threats made by the defendant may have been made to induce the deceased to move away from the Segrist water hole. Much time was devoted to reviewing and discussing the evidence in reference to the horse tracks. He gave a number of accounts from the law books about mistakes made in convicting defendants on circumstantial evidence.

After recess, Fred E. Wilson, assistant district attorney, began his address. It being the closing talk in the case. He explained to the jury that if they brought in a verdict of guilty that the evidence was taken by the court stenographer and if the case should go before the supreme court, all that evidence would be reviewed and considered and if it did not justify the verdict rendered, that a new trial could be had, but that if they should render a verdict of innocence then there was no chance for any other trial of the case. He said if the people of Eddy county and the state of New Mexico did not get a verdict in this case in accordance with their best interests and their honor, peace and welfare, there would be no other recourse. He brought his remarks to a close after explaining circumstantial evidence to the jury.

The jury then retired and brought in a verdict of guilty on Tuesday morning.

After the Murrah case was disposed of the district court took up the following cases:

W. C. Bindel vs. J. W. Smith, dismissed at plaintiff's cost.

State of New Mexico vs. Henry Hamilton, assault with deadly weapon. The defendant withdrew his plea of not guilty and entered a plea of guilty and was assessed a fine of \$50.00 and costs.

State of New Mexico vs. Oliver Rosson, continued.

State of New Mexico vs. Santiago Munoz, arson, defendant withdrew his former plea of not guilty and substituted a plea of guilty as charged in the indictment and was assessed a fine of \$50.00 and costs of prosecution.

State of New Mexico vs. Roy Hepler and Ivan Hartshorn for refusing to produce animal's hide when required to do so by officers, is now in the hands of the jury, the evidence being all in last night. Later a verdict of guilty was brought in this morning.

COTTON MARKET.

The following report of the price for which cotton is selling is furnished by the Current by Wertheim & Bynum, cotton buyers of Carlsbad and is received by them daily by wire. Price at the close of the market Thursday, October 20:

New York Futures, very steady.
New York Dec. futures \$18.77.
New York Jan. futures \$18.55.
New Orleans futures steady.
New Orleans Dec. futures \$18.27.
New Orleans Jan. futures \$18.25.
New Orleans spots steady.
New Orleans middling \$18.50.
Sales 2552 bales.
Houston spots steady.
Houston middling \$17.15.
Galveston spots steady.
Galveston middling \$19.50.

Mr. and Mrs. Walter Glover and Mary Idelle, are in town today.

THREE BIDS ON PAVING OPENED BY CITY COUNCIL

BIDS AND CERTIFIED CHECKS SUBMITTED FOR CONSIDERATION BY CITY DADS. BIDS ARE LOWEST IN STATE.

The long hoped for day has at last arrived—the time when contractors would submit bids for paving the streets of Carlsbad. Last evening Mayor Hodgins called a special meeting of the aldermen to meet representatives of three paving companies and open their bids for paving fifteen business blocks of this city.

Bids were submitted by the following concerns: The J. Fred Roberts Construction Company, of Denver, Colorado, represented by Henry M. Roberts, Secretary; The Lee Moor Contracting Company, of El Paso, Texas, represented by Lee Moor, president; The New Mexico Construction Company, of Albuquerque, represented by A. R. Ebenstreet, vice-president. Certified checks for \$2,500.00 in two instances accompanied the bids and in one instance the certified check was for \$4,500.00.

City Engineer F. L. Hancock, of Denver, was also present last night and is very busy today tabulating the different bids so that it may be known which bid is the lowest. Mr. Hancock says all three bidders are reliable concerns and the only question is which is the lowest bidder. Until these bids are tabulated it is impossible to know how much it is going to cost the property owner for paving beyond the fact that all three bids were lower than the city engineer's estimate which was \$3.55 per square yard plus 15 per cent.

After the bids were opened and read, it was moved by Alderman Thorne and seconded by Alderman Purdy that definite action be deferred until such time as the bids could be tabulated by the city engineer and the lowest bidder ascertained. The motion carried and the meeting adjourned.

All the contractors agree to complete the paving within 120 working days. Certificates will be issued to the contractor secured by the property paved which will bear 6 per cent interest and is payable in ten years. These certificates may be turned back to the city and debenture bonds issued in lieu thereof, but the city is not responsible for the collection of the debt beyond its moral obligation to do so. This is what is known as the Albuquerque plan.

Engineer Hancock says today at noon that the bids are between five and six thousand dollars under the estimate and that they are very attractive proposals.

No one can now realize what paving will mean to a city like Carlsbad. It is the finest stimulant imaginable to a town lying dormant and in every case has started things moving. After a section is paved those against it will be as strong for it and when its benefits are demonstrated the balance of the city will not be satisfied until the paving is extended to the residence section.

One contractor proposed in his bid to allow the property owner 15 per cent discount if the full amount is paid within thirty days after the work is completed, or a discount of 15 per cent on any part he may pay in cash. This arrangement would materially lessen the cost of paving to those who are able to pay cash.

Those property owners paying cash will get their paving at the very low figure of \$3.23 per square yard, we are informed just before going to press this afternoon.

From good authority it is learned that these bids are by far the lowest submitted anywhere in New Mexico this year and the rate of interest is also lower than that prevailing elsewhere in the southwest, 8 per cent being the lowest.

Carlsbad has reached the place where something must be done to the streets and the Current as well as a large majority of the property owners of the city are heartily in favor of paving, which fact is proven by the following interviews hastily gotten from different ones:

E. H. WEAVER.—If fifteen blocks are paved, in a year's time thirty more will be put in. I hope they pave as I may be able to ride from my garage home on a bicycle. Carlsbad is already the best town in New Mexico and with paving nothing can stop its growth into a city. I am in favor of paving.

JOSEPH WERTHEIM.—Some thing must be done to our streets. They are a disgrace and paving will forever solve the problem.

IRA J. STOCKWELL.—They can't pave too quick to suit me. I hope the city council accepts one of the present bids and gets the work started at once.

HARRY McKIM.—I have always worked for paving. Carlsbad will never grow or amount to anything if paving but they are in the minority.

CONCERNING COTTON

D. L. Larsh, Oklahoma Cotton Gin-ner and Seed Oil Miller Says Prices Will Be High Next Year.

SAYS QUALITY HERE IS UNEXCELLED AND ADVISES EVERY ONE TO RAISE AS MUCH AS POSSIBLE.

D. L. Larsh, of Norman, Oklahoma, brother of H. P. Larsh, has been in town for several days looking over his interests here. Mr. Larsh has been in the cotton business for several years, in the capacity of grower, buyer, ginner and operating a cotton seed oil mill. It would be only natural to suppose that he is well informed on every feature of the cotton business. He could not be a successful operator if he were not.

Mr. Larsh makes a statement of facts which have come to his knowledge that points straight and unmistakably to cotton as the most profitable crop that can be raised in this valley the coming year. Mr. Larsh's observations, reduced to a narrative form, are as follows:

The ruling reasons for the low prices of the crop of 1920 were over production and under consumption. The cotton acreage in the so-called cotton belt for this season was reduced by agreement about 30 per cent in order that the demand might catch up with the supply and restore what might be termed a normal price.

To supply of cotton to meet the average demand is thirteen million bales. It was assumed that the left over portion of the 1920 crop added to the yield of about ten million bales that might naturally have been expected from the 1921 crop would about equal the average annual demand named above. It was also figured out that the price could be expected to be in view of existing conditions, around fifteen cents a pound.

Now, the fact that the best quality of cotton is bringing 20 cents per pound instead of 15 might indicate that this figuring was faulty or that the calculations went awry. The miscalculation was due to the fact that the yield of the 1921 crop was much less than had been expected. The damage from boll weevils in former years was limited to certain areas but this year it was general throughout the cotton belt and the damage to the crop was about forty per cent. Just as soon as this fact was developed the price immediately shot upward in the same proportion.

From my knowledge of the situation in the cotton producing states I do not hesitate to say that in the cotton district around Carlsbad, Lovington, and Malaga, the yield per acre this year, as well as the quality, is the best in the United States. Of course the quality of all the cotton in the valley is equally good, but the localities mentioned are more fortunate in having planted a large acreage.

Now here is my reason for saying that a big crop of cotton should be raised in this valley next season. The devastation of the boll weevils in the cotton belt this year was so great that many of the planters are frightened. They fear that it will be worse next year and they are in a dilemma as to what to do. They are afraid to take the chances on an exclusive cotton crop as formerly.

It is not done. Now is the opportune time to start the work.

GEORGE BATTON: I hope they pave if it is only one or two blocks. Once paving is started nothing can stop the entire town from being paved.

W. M. McADOO: Carlsbad certainly needs paving. Nothing should be allowed to interfere with it since the city council has gone this far.

A. J. CRAWFORD:—I have always endeavored to keep my property in the best of repair and am in favor of anything that will improve the looks of the same.

JOE LIVINGSTON:—You can put me down as in favor of paving. We cannot have a city without it.

DR. GLASIER:—I think it outrageous to pave at this time, when people are going hungry and children going to school without books.

MAJOR E. P. BUJAC:—I am hit pretty hard by this paving, but am for it strong. I am always for anything for the betterment of Carlsbad.

HOWARD C. KERR:—After much consideration, I am strongly in favor of paving, although I think the law should be such that the public would pay one-third of the cost.

J. B. MORRIS:—Although paving will catch me on two sides, I am "strong as horse radish" for it. This will be the most beautiful and best town in the state after paving is completed.

We have many other expressions which we would like to print but time and space forbids. Of course there are a number flatly against paving but they are in the minority.

and it is a reasonable supposition, almost a certainty, that the 1922 acreage will be even smaller than this year. If a short crop this year brought a high price, a still smaller yield next year with the same prospects of insect damage, the price will be no lower and will likely be higher.

This valley is admirably adapted to cotton raising. There are large areas where there is an insufficiency of water for other crops that will grow good cotton. Cotton needs very little water. Most beginners in cotton growing give me plants too much water. After the plants are up they need very little if any more water than comes from the clouds.

In many instances alfalfa meadows yield a poor crop for lack of sufficient water or the need of rotation. In either case there is no better crop, or a more profitable one than cotton. And better than all, your crop would not be damaged by weevils. You would have this advantage over any other locality.

If I had a tillable farm in this valley cotton would be my principal crop. The price was disappointing last year; the price of alfalfa is disappointing this year.

Reasoning from every angle, cotton must bring a good price next year. If a poor yield this year has made the price proportionately high, a still smaller yield next year should make the price proportionately higher.

Another thing to be remembered is that cotton raised in a country with the little rain you have here is superior in quality and commands a premium. No state in the Union raises a quality equal to that of New Mexico and Arizona.

Mr. Larsh might have added (he probably forgot it) that most any farmer has land enough to devote 10 or 20 acres to cotton and raise no less of anything else on that account. The crop comes on quite late in the fall when the other work is mostly done and brings in a nice clean bunch of money. There is no crop more stable or more easily converted into cash.

FIRE AT COTTON GIN.

An alarm of fire Tuesday noon called the Fire Department to the cotton gin west of town. The men responded in a hurry and the equipment was ready and started in an incredibly short time and on arriving at the fire it looked as though everything would soon be in a blaze. However, the fire was put out before it burned any of the gin machinery and only one bale of cotton which was in the course of ginning and belonging to Juan Chacon was damaged. This is the second bale that he has had damaged by the same cause. A burnt match was discovered in the cotton in the gin stands, which no doubt started the fire. A fire in a cotton gin is about as disastrous as anything could well be and the management has always taken extra precautions to avoid any, not allowing any smoking on the premises or anywhere around. The promptness with which the firemen responded to the call no doubt prevented a serious loss.

MISS ROBERTS IS APPOINTED PRINCESS TO REPRESENT NEW MEXICO AT COTTON PALACE TO BE HELD IN WACO, TEXAS.

Mrs. W. F. Glasier and Miss Marguerite Roberts leave tomorrow morning for Waco, Texas, where they will attend the ceremonies incident on the opening of the Cotton Palace. Miss Roberts having been appointed as princess to represent New Mexico.

The program for Coronation week, which is from October twenty-fourth to October twenty-seventh, inclusive, contains a number of social features at which the queen and princesses, lovely girls from the various states, will have a part, is given below. Governor Mechem could not have bestowed the honor of being a princess at this magnificent spectacle, upon a more beautiful and gracious girl than Miss Roberts, and all Carlsbad is glad and proud of the honor so graciously borne by their favorite young lady.

Program for Coronation Week at Cotton Palace.

October 24, Informal Dance.
October 25, at 10 A. M., Rehearsal
October 25, at 8 P. M., Coronation at Cotton Palace.

October 26, Luncheon in Honor of the Queen, 1 P. M., at Raleigh hotel.
October 26, King's reception to the Court, Mr. and Mrs. W. A. Parker, at 1425 Columbus Avenue, from 5 to 7 P. M.

October 26, dance given by the Queen, 9 P. M. at her home.
October 27, Reception in honor of the Queen, from 4 to 6 P. M.

October 27, Society Ball 9 P. M. Coliseum, Cotton Palace.

Why not come out to the Chamber of Commerce luncheon Saturday, October 22nd, at the Crawford Cafe and boost a little. It shouldn't be up to a few to do the boosting—come out and help the good cause along.